MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2014

S.P. 736

In Senate, January 14, 1998

An Act Concerning Elver Fishing.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204. Reference to the Committee on Marine Resources suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock. Cosponsored by Representative ETNIER of Harpswell and Representatives: GOODWIN of Pembroke, LAYTON of Cherryfield, PINKHAM of Lamoine.

	Be it enacted by the People of the State of Maine as follows:
2	<pre>Sec. 1. 12 MRSA §6001, sub-§13-G, as amended by PL 1997, c. 91, §1, is further amended to read:</pre>
б	13-G. Elver fyke net. "Elver fyke net" means a fyke net
8	that is 30 feet or less in length from cod end to either wing tip, is fitted with netting that measures 1/8 inch bar mesh or less and that contains a 1/2-inch bar mesh or less excluder panel
10	that covers the entrance of the net.
12	<pre>Sec. 2. 12 MRSA §6001, sub-§17-C, as enacted by PL 1995, c. 536, Pt. A, §2, is amended to read:</pre>
14	17-C. Fyke net. "Fyke net" means a funnel-shaped net that
16	consists of not more than one funnel end, one cod end and 2 wings designed to intercept moving marine organisms and retain marine
18	organisms in a confined space.
20	<pre>Sec. 3. 12 MRSA §6505-B, sub-§2, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:</pre>
22	Tags for elver fyke net and Sheldon eel trap. It is
24	unlawful for a person to submerge an elver fyke net or Sheldon eel trap in the coastal waters of the State to fish for or take
26	elvers unless a tag issued by the department is affixed to the shoreside wing of the net or trap and is clearly visible. The
28	department may issue a replacement tag when an owner issued a tag documents that a net or trap has been damaged or lost.
30	Sec. 4. 12 MRSA §6575-A, as enacted by PL 1995, c. 536, Pt.
32	A, §9 and affected by §13, is amended to read:
34	§6575-A. Closed period; elver harvesting
36	It is unlawful for a person to fish for or take elvers from noon Saturday Friday to noon Sunday. A person may leave an elver
38	fyke net or a Sheldon eel trap in the coastal waters of the State during the closed period if the net or trap is left in a
40	condition that prevents the capture of elvers.
42	Sec. 5. 12 MRSA §6575-B, sub-§5, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:
44	5. Use of dip nets. It is unlawful for a person to use a
46	dip net to fish for or take elvers while standing in the-water-of

a-river,-stream-or-brook-within the coastal waters of the State.

§6, is further amended to read:

Sec. 6. 12 MRSA §6575-C, sub-§3, as amended by PL 1997, c. 91,

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2	3. Portion of rivers, streams and brooks. It is unlawful
4.	for a person to fish for or take elvers at any time within the middle 1/3 of a river, stream, brook or other watercourse, as
	measured at mean lew high tide, within the coastal waters of the
6	State. It is unlawful to obstruct more than 1/3 of the width of any river, stream, brook or other watercourse at mean low tide.
8	any livel, scream, blook of other watercourse at mean low true.
10	SUMMARY
12	This bill makes the following changes to the laws regarding
1 <i>/</i>	elver fishing.
14	1. It provides that the excluder panel required in the
16	elver fyke net may have a mesh that is smaller than 1/2 inch bar
	mesh.
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	2. It further defines the term "fyke net" to mean a net
20	that consists of not more than one funnel end, one cod end and 2 wings.
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24	3. It specifies that an elver trap tag must be affixed to the net at the shoreside wing and be clearly visible.
26	4. It adds an additional closed period to the weekly fishery closure.
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	5. It amends the laws regarding where it is unlawful to use
30	an elver dip net.
32	6. It restores the provision that the time of measurement
	of the middle 1/3 of a stream for purposes of placement of elver
34	nets is at high tide. It also provides that it is unlawful to obstruct more than 1/3 of the width of any river, stream, brook
36	or other watercourse at mean low tide.

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